

REMARKS

Claims 1-35 are pending in the current application. Favorable reconsideration is respectfully requested.

Claims 1-35 were rejected under 35 U.S.C. § 103 over Lee et al. (US Patent No. 6,601,101) in view of Davies et al. (U.S. Patent No. 6,108,701). Applicants respectfully traverse and submit that the independent claims are patentable over the cited art for at least the following reasons.

Independent claim 1 recites, inter alia, "a state information acquirer that acquires state information ... by actively requesting and obtaining said state information from said first information processing device or said second information processing device." Independent claims 11, 21, and 31-35 all similarly recite an intermediate device "acquir[ing] state information ... by actively requesting and obtaining said state information."

As was pointed out previously, Lee shows a conventional switch that passively receives state information from a first information processing device or a second information processing device. It was conceded in the Office Action that the abovementioned feature is not shown on Lee. The position was taken in the Office Action that Davies remedies this deficiency of Lee as a reference against the independent claims. This is incorrect.

Davies relates to a system in which plural servers are provided, including an active server and other servers, referred to as inactive servers. In Davies, on the active server receives client messages and requests directly from the client, but the active server echoes these messages to all other inactive servers, so that all servers, both active and inactive, have access to these messages and requests. (See, e.g., col. 5, lines 9-21). The Examiner took the position that Davies teaches the recited step of actively requesting state information, at col. 8, lines 37-39. However, this portion of Davies relates to an SSP monitor process periodically sending a status request to another SSP monitor process. As described in Davies, this is simply to monitor how other SSP monitors are functioning. The status request has no relation to the recited "state information acquirer that

acquires state information ... by actively requesting and obtaining said state information from said first information processing device or said second information processing device. In particular, the state information as recited in the independent claims is information required to maintain the state of an existing session. The status requests in the cited portion of Davies do not relate to the type of state information recited in the claims. For at least this reason, even if the references are combined, there is no teaching or suggestion of all of the elements of the claims, and no prima facie case of obviousness has been set forth in the Office Action.

The dependent claims are believed patentable for at least the same reasons as their respective base claims and are likewise allowable.

In view of the foregoing, favorable consideration and allowance of the present application is respectfully requested.

Dated: July 23, 2009

Respectfully submitted,

By Joseph W. Ragusa
 Joseph W. Ragusa
 Registration No. 38,586
 DICKSTEIN SHAPIRO LLP
 1177 Avenue of the Americas
 New York, New York 10036-2714
 (212) 277-6500
 Attorneys for Applicants